

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
BRYSON CITY DIVISION**

2:10cv16

**UNITED STATES OF
AMERICA,**

Plaintiff,

Vs.

**15 Trimont Lake Road, Franklin,
Macon County, North Carolina,
Deed at Book G-16, page 125,
Macon County Registry, being
real property, together with the
residence, and all appurtenances,
improvements, and attachments
thereon,**

Defendants.

ORDER

THIS MATTER is before the court on periodic review of the docket.

First, while former counsel for potential claimant Dorothy Jean Lequire certified to the court on June 22, 2010, that he complied with the court's previous Order directing that he provide his former client with a copy of this court's Order, and that he "assisted her in filing her motion for court appointed counsel" (sealed

Response #16, at p. 1),¹ no such motion for court appointed counsel was filed by Ms. Lequire and no claim or answer to the Complaint has been filed by her. In fact, the court has had no correspondence from Ms. Lequire. Inasmuch as counsel has certified completion of a task that does not appear to have been completed, Mr. Williams will be required to appear as an officer of the court and explain exactly what occurred.

Second, the United States Marshal made its return of service of the warrant for arrest of the real property on July 7, 2010, and the government certified its service by publication on July 30, 2010. While a settlement agreement has been reached with a lien holder (Docket Entry #19), the government has taken no action to default potential claimants even though the time for filing claims expired on or about August 30, 2010, and no claims and answers have been filed.

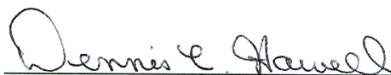
Finally, Ms. Lequire, who is proceeding *pro se* will be required to appear at such hearing and explain why she has not filed her motion for appointment of counsel and affidavit or why she has not submitted a claim and an answer.

¹ The court will unseal such document as the requirements of L.Cv.R. 6.1 were not complied with and the document does not reflect confidential client information, rather, it reflects former counsel's compliance with a court Order as an officer of this court.

ORDER

IT IS, THEREFORE, ORDERED that a status hearing is calendared for January 14, 2011, at 11:30 a.m., in Courtroom #2 at the United States Courthouse in Asheville, North Carolina, at which the Assistant United States Attorney of record Thomas R. Ascik, former counsel Kris V. Williams, and Ms. Lequire shall appear. **Document #16 is unsealed.**

Signed: January 4, 2011



Dennis L. Howell
United States Magistrate Judge

